HISTORY
DEPARTMENT

The Manhood and Intelligence of North Carolina Should Stand for Truth and Justice

Truth and Justice for the History of North Carolina

The Mecklenburg Resolves of May 31, 1775, *vs.* The "Mecklenburg Declaration of May 20, 1775"

By D. B. Edelen

The Discovery of Contemporaneous Documents Corrects Errors of Memory.

The Testimony of the Ancient Witnesses Sustains the 31st.

No Meeting Held in Charlotte, Mecklenburg County, N. C., on May 20, 1775.

The Legend on the State Flag an Historical Error.

The Date on the State Seal a Glaring Mistake.

The Resolves of May 31, 1775, Authentic.

Greensboro, N. C.:
CHARLES L. VAN NOPPEN, Publisher

HISTORICAL FACTS

In 1819 there was published in the *Raleigh Register* a narrative of proceedings in Mecklenburg containing Resolutions declaring Independence. The original record of these proceedings had been in the possession of John McKnitt Alexander. His house was burned in April, 1800, and he subsequently prepared this Narrative from memory. He sent a copy of it in September, 1800, to Gen. Wm. R. Davie with the following certificate attached:

"It may be worthy of notice here to observe that the foregoing statement, though fundamentally correct, yet may not literally correspond with the original record of the transactions of the said delegation and court of inquiry, as all those records and papers were burned, with the house, on April 6, 1800; but previous to that time of 1800, a full copy of said records, at the request of Dr. Hugh Williamson, then of New York, but formerly a representative in Congress from this state, was forwarded to him by Colonel William Polk, in order that those early transactions might fill their proper place in a history of this state then writing by said Dr. Williams (*sic*) in New York.

"Certified to the best of my recollection and belief this 3d day of September, 1800, by

"J. McK. ALEXANDER,
"Mecklenburg County, N. C."

The paper Colonel Alexander sent to General Davie was the only copy of his Narrative, written in 1800, that he ever let pass out of his possession, as far as known; and he carefully appended his certificate that, as it was written from memory, it might not "literally correspond" with the record.

In 1817 he died. Two years after his death his son, upon request, made a copy of his Narrative and sent it to Hon. William Davidson in Washington City. It was this copy which was printed in the *Raleigh Register* on April 30, 1819.

Between 1819 and 1830 other old men wrote letters and statements touching the same matter. From their statements it appeared that some time in May, 1775, there was issued an order for the election of two delegates (or

committeemen) from each militia district in Mecklenburg; the election was held; the delegates met; the meeting continued two days; resolves declaring independence were adopted; Colonel Polk proclaimed them to a great meeting of citizens, one-half of the county being present. Captain Jack took them to Philadelphia.

In his Narrative Col. John McKnitt Alexander said that the election was called by Abraham Alexander; the other witness corrected him and said Col. Thomas Polk called it.

Colonel Alexander said that the news of the battle of Lexington arrived while the meeting was in progress. Gen. Joseph Graham said: "Perhaps half the men in the county attended. The news of the battle of Lexington, April 19th preceding, had arrived. There appeared among the people much excitement."

Nearly all the witnesses describe the great public meeting, and the reading of the "declaration" to the great crowd by Colonel Polk. Colonel Alexander did not mention any public meeting and he did not mention that Colonel Polk proclaimed independence.

That Colonel Alexander's memory was defective is apparent.

In his Narrative Colonel Alexander stated that the meeting was May 19-20. Some of the witnesses, forty to fifty years later, probably with the Narrative before them, said they were present at the meeting on May 20. Others merely said the meeting was in May.

Colonel Alexander set forth in his Narrative the resolutions which he said were adopted. A copy of his rough notes, made in 1800 when he was preparing his Narrative (copyist's copy), is preserved. This copy shows that those resolutions were constructed and built up by him in 1800 and were not copied from any original. They were so similar, in some respects, to the fourth of July document that many persons at once

accused Jefferson of having copied from them in writing the National Declaration.

They have since become known as "The Declaration of May 20, 1775."

They may be summarized as follows (for this "Declaration" in full see Ashe's "History of North Carolina," I, 440):

Section 1. Declares that "whosoever . . . abetted or . . . countenanced the unchartered and dangerous invasion of our rights . . . is an enemy to this country, . . . and to the inherent and inalienable rights of man."

Sec. 2. Dissolves the "political Bands" that have connected Mecklenburg county with the mother country and absolves its citizens "from all allegiance to the British Crown."

Sec. 3. Declares them "a free and independent people, are and of right ought to be a sovereign and self-governing Association, under . . . the General Government of the Congress." Pledges "our mutual coöperation, our lives, our fortunes and our most sacred honor."

Sec. 4. Adopts "as a rule of life, all, each and every of our former laws;" excludes Great Britain from all "rights, privileges, immunities or authority therein."

Sec. 5. Reinstates military officers in their former commands; makes each member of the delegation then present a justice of the peace in the character of a "committeeman."

While the witnesses in general terms sustained the main proposition that in May, 1775, Mecklenburg declared independence, only one said anything about the wording of the resolutions. One witness in 1830 said: "The subcommittee appointed to draft the resolutions returned, and Dr. Ephraim Brevard read their report, as near as I can recollect, in the very words we have since seen them several times in print." Rev. Humphrey Hunter, who wrote a sketch of his own life in 1825, incorporated into it the resolu-

tions just as printed in the Narrative in 1819.

The Case for May 20th, 1775.

The Declaration of May 20th then rests on the memory of Colonel Alexander, writing twenty-five years after the event: with his rough notes showing that the resolutions were built up in 1800; with his memory shown to have been defective; with the language bearing traces of July 4th, and he himself certifying that his Narrative "though fundamentally correct, yet may not literally correspond with the original record." And he never in his life time gave this Narrative out for publication.

The only confirmatory reference to the language was by a witness who said that as near as he could recollect these were the *very words* he had heard read,—*once in a public meeting, fifty-five years before, and amid great popular excitement*,—and by Dr. Hunter, who incorporated them into his autobiography written in 1825.

But in 1830 and for years afterwards there was no conflicting testimony. There was nothing to the contrary. The people of that generation, therefore, gave full credence to the Narrative, corrected in some particulars by the statements of the other witnesses.

And so the matter rested until 1847, when documentary evidence to the contrary was discovered.

The Case for May 31st, 1775.

In 1847 there was discovered a Charleston newspaper, dated June 13, 1775, containing the following Resolves (for the full text of the Resolves of May 31st see Ashe's "History of North Carolina," I, 450-2):

"Charlotte town, Mecklenburg County,
May 31.

"This day the Committee met and passed the following Resolves:"

The Preamble recites that as the colonies are declared by Parliament to be in a state of rebellion all laws and commissions confirmed by, or derived from, the authority of the King or Parliament are annulled and vacated, and the former civil constitution of these colonies for the present wholly suspended. To provide for this emergency the following Resolves were passed:

1. "That all commissions, civil and military, heretofore granted by the Crown, to be exercised in these colonies, are null and void, and the constitution of each particular colony wholly suspended."

2. "That the Provincial Congress of each province, under the direction of the great Continental Congress, is invested with all legislative and executive powers within their respective provinces; and that no other legislative or executive power, does, or can exist, at this time in any of these colonies."

3. "As all former laws are now suspended in this province and the Congress has not yet provided others, we judge it necessary . . . to form certain rules and regulations for the internal government of this county until laws shall be provided for us by the Congress."

4. Inhabitants to choose military officers "who shall hold and exercise their several powers by virtue of this choice, and independent of Great Britain and former constitution of this province."

5. Appoints two free holders as justices; powers defined; appeal to convention of select men of the county.

6. These select men (justices) to choose two constables as assistants.

7. Directs the issue of warrants.

8. Directs the meeting of the Convention of select men, matters of over 40 s., appeals and felony.

9. Defines duties of clerk of the select men.

10 and 11. On absconding debtors.

12. On the collection of quit rents, public and county taxes.

13. On the accountability of the Committee for moneys.

14. On length of term of offices.

15. Committee to sustain damages to its officers.

16. The person hereafter receiving a commission from the Crown or attempting to exercise one already received "shall be deemed an enemy to his country," to be arrested and tried by Committee.

17. Persons refusing obedience "equally criminal and liable to the same punishment."

18. "That these Resolves be in full force and virtue, until instructions from the general Congress of this province, regulating the jurisprudence of this province, shall provide otherwise, or the legislative body of Great Britain resign its unjust and arbitrary pretensions with respect to America."

19. The military companies to provide arms and accoutrements and "hold themselves in constant readiness to execute the commands and directions of the provincial Congress and of this Committee."

20. "That this Committee do appoint Colonel Thomas Polk and Doctor Joseph Kennedy, to purchase 300 lb. of powder, 600 lb. of lead, and 1000 flints, and deposit the same in some safe place hereafter to be appointed by the Committee."

"Signed by order of the Committee,

"EPH. BREVARD,

"Clerk of the Committee."

This official statement of the action of the people of Mecklenburg was

Printed in the South Carolina Gazette and Country Journal (Charleston), June 13, 1775, discovered in 1847.

Printed in the North Carolina Gazette (Newbern), June 16, 1775, discovered in 1906.

Printed in the Cape Fear Mercury (Wil-

mington), June 23, 1775, contemporaneous reference.

Printed in part by other American newspapers during the summer of 1775.

Denounced to the home government by Governor Wright, of Georgia, in June, 1775.

Denounced to the home government by Gov. Josiah Martin in his despatch No. 34, dated June 30, 1775. In this despatch was enclosed a newspaper copy of the Resolves.

Manuscript copy sent to the home government by Governor Martin in the duplicate to his despatch No. 34, dated June 30, 1775, first published in 1907 (see Hoyt, "The Mecklenburg Declaration of Independence").

Protested against by the loyal Germans of Mecklenburg in June, 1775.

Carried to Philadelphia in June, 1775, by Captain Jack.

Mentioned by the Moravian archivist about 1783.

And while foes denounced the action of the Mecklenburgers and these Resolves of May 31st, friends extolled it and said it exceeded anything done by any other committee. The contemporaneous records, discovered in 1847 and since, show that the Resolves of May 31st shocked the Tories and won applause from the Patriots. But never a word was uttered by any one about any proceedings of May 20th, or about any other resolutions than those printed as being adopted on May 31st. Against this overwhelming contemporaneous evidence we have the defective memory of one witness writing twenty-five years after the event; of another who said that as near as he could remember those were the very words he had heard read once at a public meeting, amid great excitement, fifty-five years before. Of all of the above contemporaneous documentary evidence the witnesses had no knowledge nor had any one else until many years had passed. It irresistibly proves that the meeting was on May 31, 1775.

But not only does the documentary evidence prove the 31st, but the evidence of the witnesses for the so-called declaration of the 20th also proves it. An examination of their statements shows that the most significant facts which were associated in the recollection of these men with the passage of the resolutions which they understood to be a declaration of independence are peculiar to the Resolves of May 31st. Thus Gen. Joseph Graham said that in the meeting a reason given for the proposed action was that the colonies had been declared in a state of rebellion. That very reason is stated in the preamble to the Resolves of May 31st. In the same way Gen. George Graham, Hutchinson, Clark and Robinson, in their joint certificate, Rev. Humphrey Hunter and Col. Thomas Polk, all mention the organization of the Committee of Safety, as provided for in the Resolves of May 31st. One witness, John Simeson, wrote: "I have conversed with many of my old friends and others, and all agree in the point, but few can state the particulars. . . . Ours [declaration] was toward the close of May, 1775. In addition to what I have said, the same committee appointed three men to secure all the military stores for the county's use—Thomas Polk, John Phifer, and Joseph Kennedy. I was under arms near the head of the line, near Colonel Polk, and heard him distinctly read a long string of grievances, the declaration and military order above." The military order mentioned by Simeson is the last of the Resolves of May 31st. According to Simeson, then, Colonel Polk read, at the public meeting, when he declared Independence, the Resolves of May 31st; and at the end he read the 20th resolution, being the "military order" appointing Colonel Polk and Joseph Kennedy to secure the military stores. This testimony is conclusive that Simeson was talking about the Resolves of May 31st.

As Colonel Alexander, when writing his

Narrative, and General Graham and John Simeson and all the other witnesses had in mind the same occasion, being the particular time when the delegates elected met and were in session two days and adopted resolutions of Independence which Colonel Polk read and which Captain Jack carried to Philadelphia; and as the evidence of Simeson and others show that the occasion was May 30th-31st, in accordance with the documents, it is clear that the witnesses who mentioned "May 20th" were in error; and that Colonel Alexander, in trying to recall the Resolves in 1800, got the language wrong, as well as the date. Consider the identity of the language in the fourth of July declaration and in the "Declaration" set forth in Colonel Alexander's Narrative. Did Jefferson steal the thought and rhetoric of the Mecklenburg "Declaration" and then lie about it; or did Colonel Alexander in writing his Narrative unconsciously remember the words of one document while thinking of the other?

While in the earlier days the claims of May 20th received the support of some students and scholars of recognized standing, it was before all the documentary facts in the case had been brought out. Perhaps its most scholarly defender was Francis L. Hawks, but he died long before the discovery of much important contemporaneous material on the subject. It should be noted that the Twentieth can claim among its supporters none of the modern school of historical writers, either within or without the state. So far as known, no historical student of the present day who has won for himself a recognized place in the world of historical scholarship would think of sustaining the Twentieth of May. Besides a few dilettantes who have never thoroughly examined the literature of the subject this date is supported by the Descendants of the "Signers," who for the sake of their own personal and family glory, seek to

make this date a test of loyalty to North Carolina and to Truth.

The list of those scholars who accept the 31st of May Resolves, as against the "Declaration of May 20th," includes:

Peter Force, collector, archivist and historian;

Jared Sparks, historian and president of Harvard;

George Bancroft, historian of the United States;

Benson J. Lossing, historian;

Hugh Blair Grigsby, public man and historian;

Lyman C. Draper, collector, archivist and historian;

Herbert B. Adams, professor in the Johns Hopkins University, historian;

John H. Hazelton, historian;

Wm. F. Poole, librarian;

James C. Welling, college president and student;

Waldo G. Leland, archivist and historian;

Worthington C. Ford, archivist and historian;

Alexander S. Salley, Jr., archivist and historian;

William Henry Hoyt, lawyer and student;

Guy Carleton Lee, historian and lecturer.

Among North Carolina students it claims:

David L. Swain, president University of North Carolina, historical student;

Charles Phillips, professor in University of North Carolina;

Thomas Ruffin, chief justice;

Daniel R. Goodloe, economist and historical student;

David Schenck, lawyer, judge and historical student;

Kemp P. Battle, president of University of North Carolina and professor of history;

Paul B. Means, lawyer and historical student;

John S. Bassett, professor in Smith College, Massachusetts;

J. G. deR. Hamilton, professor of history, University of North Carolina;

Charles L. Raper, professor in University of North Carolina;

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Julius I. Foust, president North Carolina State Normal College;

William E. Dodd, professor in the University of Chicago;

Joseph Blount Cheshire, bishop of the diocese of North Carolina;

E. W. Sikes, professor of history, Wake Forest College, North Carolina;

Marshall DeLancey Haywood, historian;

Samuel A'Court Ashe, soldier, legislator, editor and historian.

The final clearing up of this matter has freed the character of Jefferson from the aspersion that he stole the thoughts and language of the "Mecklenburg Declaration." But North Carolina owes something to her own reputation: the error and mistake being evident, it should with candor be avowed; and instead of a part of our people celebrating the meaningless 20th of May, THE WHOLE STATE SHOULD JOIN IN CELEBRATING THE RESOLVES OF MAY 31ST, 1775, WHICH ARE EQUIVALENT TO A DECLARATION OF INDEPENDENCE.

The Truth should be Acknowledged.

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